

1 Juanita R. Brooks (CA Bar No. 75934) (brooks@fr.com)  
2 FISH & RICHARDSON P.C.  
3 12390 El Camino Real  
4 San Diego, CA 92130  
5 Telephone: (858) 678-5070 / Fax: (858) 678-5099

6 Jonathan E. Singer (CA Bar No. 187908) (singer@fr.com)  
7 Michael J. Kane (*pro hac vice*) (kane@fr.com)  
8 FISH & RICHARDSON P.C.  
9 60 South Sixth Street, Suite 3200  
10 Minneapolis, MN 55402  
11 Telephone: (612) 335-5070 / Fax: (612) 288-9696

12 Susan M. Coletti (*pro hac vice*) (coletti@fr.com)  
13 Elizabeth M. Flanagan (*pro hac vice*) (eflanagan@fr.com)  
14 FISH & RICHARDSON P.C.  
15 222 Delaware Avenue, 17th Floor  
16 Wilmington, DE 19899  
17 Telephone: (302) 652-5070 / Fax: (302) 652-0607

18 Craig E. Countryman (CA Bar No. 244601) (countryman@fr.com)  
19 FISH & RICHARDSON P.C.  
20 555 W. 5th Street, 31st Floor  
21 Los Angeles, California 90013  
22 Telephone: (213) 533-4240 / Fax: (213) 996-8304

23 Attorneys for Plaintiffs  
24 ALLERGAN USA, INC. and  
25 ALLERGAN INDUSTRIE, SAS

26 **UNITED STATES DISTRICT COURT**  
27 **CENTRAL DISTRICT OF CALIFORNIA**

28 ALLERGAN USA, INC., and  
ALLERGAN INDUSTRIE, SAS,

Plaintiffs,

v.

MEDICIS AESTHETICS, INC.,  
MEDICIS PHARMACEUTICAL CORP.,  
VALEANT PHARMACEUTICALS  
NORTH AMERICA LLC,  
VALEANT PHARMACEUTICALS  
INTERNATIONAL, and  
VALEANT PHARMACEUTICALS  
INTERNATIONAL, INC.

Defendants.

Case No. 8:13-cv-01436 AG (JPRx)

**DECLARATION OF ELIZABETH  
M. FLANAGAN IN SUPPORT OF  
PLAINTIFFS' OPENING CLAIM  
CONSTRUCTION BRIEF**

Date: July 22, 2014

Time: 9:00 am

Ctrm: 10D

Judge: Hon. Andrew J. Guilford

1 I, Elizabeth M. Flanagan, declare as follows:

2 1. I am an attorney at Fish & Richardson P.C., and have been admitted  
3 *pro hac vice* in the above-captioned litigation as counsel for Plaintiffs Allergan  
4 USA, Inc., and Allergan Industrie, SAS (“Allergan”).

5 2. Attached hereto as Exhibit A is a true and correct copy of U.S. Patent  
6 No. 8,450,475.

7 3. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent  
8 No. 8,357,795.

9 4. Attached hereto as Exhibit C is a true and correct copy of a page from  
10 the Random House Webster’s College Dictionary, defining the word “stable.”

11 5. Attached hereto as Exhibit D is a true and correct copy of a page from  
12 Concise Oxford English Dictionary, defining the word “stable.”

13 6. Attached hereto as Exhibit E is a true and correct copy of a page from  
14 the Random House Webster’s College Dictionary, defining the word “crosslink.”

15 7. Attached hereto as Exhibit F is a true and correct copy of an excerpt  
16 from the Medicis Pharmaceutical Corporation Annual Report dated 1/01/09-  
17 12/31/09 concerning PMA P040024 for Restylane® Injectable Gel, bearing bates  
18 number VAL0037758.

19 I declare under penalty of perjury under the laws of the United States that the  
20 foregoing is true and correct.

21 Dated: June 13, 2014

FISH & RICHARDSON P.C.

23 By: /s/ Elizabeth M. Flanagan  
24 Elizabeth M. Flanagan

25 Attorneys for Plaintiffs  
26 ALLERGAN USA, INC. and  
27 ALLERGAN INDUSTRIE, SAS

## **CERTIFICATE OF SERVICE**

2        The undersigned hereby certifies that a true and correct copy of the above and  
3 foregoing document has been served on June 13, 2014 to all counsel of record who  
4 are deemed to have consented to electronic service via the Court's CM/ECF system  
5 per Civil Local Rule 5.4. Any other counsel of record will be served by electronic  
6 mail, facsimile and/or overnight delivery.

/s/ *Elizabeth M. Flanagan*

---

Elizabeth M. Flanagan

80142535.doc